

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
)	
THIS DOCUMENT RELATES TO)	Hon. Patti B. Saris
ALL CLASS ACTIONS)	Chief Mag. Judge Marianne B. Bowler
)	
)	

STIPULATION

WHEREAS, on November 3, 2005 the Track 1 defendants filed answers to the Third Amended Master Consolidated Class Complaint ("TAMCC");

WHEREAS, on March 1, 2006 plaintiffs filed and served a Fourth Amended Master Consolidated Class Complaint ("FAMCC");

WHEREAS, the FAMCC is substantially similar to the TAMCC and the Track 1 defendants have already filed answers responding to plaintiffs' allegations;

WHEREAS, the parties wish to avoid the expense and burden of unnecessary and duplicative pleadings.

THEREFORE, it is hereby stipulated and agreed to that:

1. The Track 1 defendants' obligation to answer or otherwise respond to the FAMCC is waived.

2. Subject to clause 3 below, the Track 1 defendants' responses to the TAMCC shall be deemed applicable to the FAMCC to the extent any allegations are repeated therein.

3. All allegations inconsistent with the Court's January 30, 2006

Consolidated Order Re: Motion For Class Certification and any new allegations or statements
not contained in the TAMCC are deemed denied by the Track 1 defendants.

April 21,
Dated: ~~March~~ __, 2006

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